

**REMARKS**

Applicant wishes to thank the Examiner for considering the present application. In the Office Action dated May 16, 2005, claims 1-26 are pending in the application. The allowability of claims 17-20, if rewritten in independent form, is acknowledged. Applicants respectfully request the Examiner for a reconsideration of the rejections.

The specification has been amended to replace the attorney docket numbers with the appropriate serial numbers.

The drawings stand objected to for failing to comply with 37 C.F.R. 1.84(p)(5). The reference numeral "171" has been removed from Fig. 5A. A corrected version of Fig. 5A is provided with the reference numeral 172 therein. The specification has also been amended to refer to Figs. 5A and 5B.

Claims 7 and 9-26 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 7-20 have been amended to provide proper antecedent basis.

Claim 21 is believed to be proper. The Examiner objects to claim 21 for stating both a sensor yaw rate from a yaw rate sensor and a hand wheel yaw rate based upon the hand wheel signal. That is, the yaw rate sensor generates a yaw rate signal which is referred to as the sensor yaw rate. The hand wheel may also be used to generate a yaw rate signal. Thus, two different yaw rate signals are formed: one from the hand wheel sensor and one from the yaw rate sensor itself. Thus, Applicant believes that this rejection has no antecedent problems. Applicant respectfully requests the Examiner to reconsider this rejection.

Claims 1, 2, 5, 9, 10, 13, 21, 22, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Faye* (2002/0069006) in view of *Bottiger* (6,449,542) and *Engle* (5,452,982). Applicant respectfully traverses.

Claim 1 is directed to a method of controlling a vehicle with a trailer that includes detecting the presence of a trailer, determining a vehicle velocity, determining a steering wheel angle, and determining a rear axle side slip angle of the vehicle. Brake-steer is applied to stabilize the vehicle and the trailer when the rear side slip angle is above a predetermined rear axle slip angle, the vehicle velocity is above a velocity threshold, and the steering wheel is about zero. As will be evident, the present invention is specifically directed to stabilizing the vehicle and trailer when traveling down a straight road and the trailer is fishtailing or swerving.

Applicant respectfully submits that the Examiner is picking and choosing elements from various pieces of art to form a hindsight reconstruction of the invention. The *Faye* reference, as the Examiner mentions, does not disclose determining the presence of a trailer and also does not determine a rear axle side slip angle of the vehicle. Also, no teaching or suggestion is provided for applying brake-steer to the vehicle when the rear axle slip angle is above a predetermined rear axle slip angle, the velocity is above a velocity threshold, and the steering wheel is about zero. It appears that the *Faye* reference, as recited in paragraph 4, is used during turning of the vehicle. The Examiner then uses the *Bottiger* reference for determining a rear axle side slip of the vehicle. Applicant admits that side slip angle in the area of the unsteering rear wheels is determined as set forth in the abstract. However, the *Bottiger* reference has nothing to do with trailering of a vehicle and therefore, is not properly combinable with the *Faye* reference. Also, the *Bottiger* reference does not teach or suggest applying brake-steer when the rear axle slip angle is above a predetermined slip angle, the vehicle velocity is above a vehicle velocity threshold, and the vehicle steering wheel angle is about zero. Applicant therefore respectfully requests the Examiner to reconsider the rejection of claim 1.

Claim 9 is similar to claim 1 and is believed to be allowable for the same reasons set forth above.

Claim 21 is an independent method claim similar to claim 1, but recites two different methods for determining a yaw rate. A yaw rate sensor is used and a hand wheel signal is used to determine two different yaw rates. Claim 21 also recites the rear axle side slip angle. Claim 21 recites applying brake-steer to the vehicle to stabilize the vehicle and trailer. When the rear axle slip angle is above a predetermined rear axle slip angle, the vehicle velocity is above a vehicle velocity threshold and the yaw rate sensor is diverging from the hand wheel rate sensor. No teaching or suggestion is found in any of the references for determining the divergence of the sensor yaw rate and hand wheel yaw rate, let alone the other deficiencies mentioned above with respect to claim 1. Applicant therefore respectfully requests the Examiner to reconsider the rejection of claim 21 as well.

Likewise, the dependent claims, namely claims 2, 5, 10, 13, 22, and 25 are also believed to be allowable for the same reasons set forth above with respect to their independent claims.

Claims 3, 4, 11, 12, 23, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Faye* in view of *Bottiger* and *Engle* as applied to claims 1, 9, and 21 above in further view of *Breed* (6,748,797).

As mentioned above, the *Faye*, *Bottiger* and *Engle* references have several deficiencies. The *Breed* reference does not teach or suggest the deficiencies set forth above in those

independent claims. Applicant therefore respectfully requests the Examiner to reconsider the rejection of this claim as well.

Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Faye* in view of *Bottiger* and *Engle* as applied to claim 1 above, in further view of *Bell* (4,428,596).

The *Bell* reference also does not teach or suggest the limitations missing in claim 1 above. Therefore, Applicant respectfully requests the Examiner to reconsider the rejection of claims 6 and 7 as well.

Claims 8, 15, and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Faye* in view of *Bottiger* and *Engle* in further view of *Wessman* (6,612,394). Claims 8, 15, and 26 were amended to remove the reference to the turning radius of the vehicle. Applicant still maintains that the *Faye*, *Bottiger* and *Engle* references do not teach or suggest the elements missing from their independent claims. Applicant therefore respectfully requests the Examiner for a reconsideration of these rejections as well.

In light of the above remarks, Applicant submits that all objections are now overcome. Applicant respectfully submits that the application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments the Examiner is respectfully requested to call the undersigned attorney.

Please charge any fees required in the filing of this amendment to Deposit Account 06-1510.

Respectfully submitted,



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